



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/634,287	08/09/2000	Elizabeth C. Amer	DM6909B	6825	
7	590 03/20/2002				
DuPont Pharmacueitcals Co c/o			EXAMINER		
Legal-Patents	Nemours and Co		NOLAN, PATRICK J		
1007 Market Street Wilmington, DE 19898			ART UNIT	PAPER NUMBER	
· · · · · · · · · · · · · · · · · · ·			1644	· ,	
			DATE MAILED: 03/20/2002	DATE MAILED: 03/20/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 09/634,287

Applicant(s)

\_\_\_\_

Arner et al.

Examiner

Patrick J. Nolan

Art Unit 1644

	The MAILING DATE of this communication appears	on the cover sheet with the corres	
A SHO THE N - Exten aft - If the be - If NO co - Failur - Any r	for Reply ORTENED STATUTORY PERIOD FOR REPLY IS SE MAILING DATE OF THIS COMMUNICATION. Insigns of time may be available under the provisions of 37 of the SIX (6) MONTHS from the mailing date of this communication period for reply specified above is less than thirty (30) day a considered timely. In period for reply is specified above, the maximum statutory symmunication. The to reply within the set or extended period for reply will, be reply received by the Office later than three months after the three patent term adjustment. See 37 CFR 1.704(b).	CFR 1.136 (a). In no event, however, incation.  It is, a reply within the statutory minimum period will apply and will expire SIX (6) by statute, cause the application to become	may a reply be timely filed  m of thirty (30) days will  6) MONTHS from the mailing date of this  come ABANDONED (35 U.S.C. § 133).
Status 1) 🗌	Responsive to communication(s) filed on		
2a) □	This action is <b>FINAL</b> . 2b) 💢 This ac	ction is non-final.	
3) 🗆	Since this application is in condition for allowance closed in accordance with the practice under $Ex\ partial$		
Disposi	tion of Claims		
4) 💢	Claim(s) <u>66-73</u>	is	are pending in the application.
4	a) Of the above, claim(s)	is	lare withdrawn from consideratio
5)□	Claim(s)		is/are allowed.
6)□	Claim(s)		is/are rejected.
7) 🗌	Claim(s)		is/are objected to.
8) 💢	Claims <u>66-73</u>	are subject to res	striction and/or election requirement
Applica	tion Papers		
9) 🗆	The specification is objected to by the Examiner.		
10)	The drawing(s) filed on is/s	•	
11)	The proposed drawing correction filed on		d b disapproved.
12)	The oath or declaration is objected to by the Exam	niner.	
13)□ a)□	under 35 U.S.C. § 119  Acknowledgement is made of a claim for foreign    All b) □ Some* c) □ None of:  1. □ Certified copies of the priority documents ha  2. □ Certified copies of the priority documents ha	ve been received.	
;	3. Copies of the certified copies of the priority of application from the International Burdee the attached detailed Office action for a list of the action for a list of t	documents have been received in eau (PCT Rule 17.2(a)).	
14)	Acknowledgement is made of a claim for domesti	c priority under 35 U.S.C. § 119	(e).
Attachm	ent(s)		
15) 🔲 No	otice of References Cited (PTO-892)	18) Interview Summary (PTO-413) Pape	r No(s)
	otice of Draftsperson's Patent Drawing Review (PTO-948)	19) Notice of Informal Patent Application	n (PTO-152)
17) 📘 In	formation Disclosure Statement(s) (PTO-1449) Paper No(s).	20) Other:	

Serial Number: 09/634,287

Art Unit: 1644

## Part III DETAILED ACTION

1. Claims 66-73 are pending.

## Restriction/Election

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 66-67 and 69-70, drawn to an antibody to SEQ ID NO. 2 and methods of detecting SEQ ID NO. 2, using said antibody, classified in class 530, subclass 388.26.

Group II. Claims 66, 68-70, drawn to an antibody to SEQ ID NO. 15, and methods of detecting SEQ ID NO. 15, using said antibody classified in class 530, subclass 388.26.

Group III. Claims 66, 69 and 71-73, drawn to an antibody to the C-terminus of aggrecan, and methods of detecting the C-terminus, using said antibody, classified in class 530, subclass 380.

The inventions are distinct, each from the other because of the following reasons:

- 3. Groups I-III are unique products and methods. They differ with respect to their physicochemical properties and are therefore patentably distinct. Antibodies to SEQ ID NO. 2, 15 and to aggrecan are patentably distinct antibodies
- 4. Because a search of these three distinct inventions would not be co-extensive with a search of the others, an examination and search of two or more inventions in a single application would constitute a serious undue burden on the examiner.
- 5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
- 6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor or at least one claim remaining in the application. Any amendment of the inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48 (b) and by the fee required under 37 CFR 1.17 (h).
- 7. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Serial Number: 09/634,287

Art Unit: 1644

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Nolan whose telephone number is (703) 305-1987. The examiner can normally be reached on Tuesday through Friday from 9:00 am to 5:30 pm.

9. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Christina Chan, can be reached at (703) 305-3973. The FAX number for our group, 1644, is (703) 305-7401. Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the Group receptionist, whose telephone number is (703) 308-0196.

Patrick J. Nolan, Ph.D.

Primary Examiner, Group 1640

March 19, 2002